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William R. Scrivner
310 Savannah Drive
Richmond KY 40475
859-624-0888
wrscrivner@yahoo.com

29 August 2005

RECEIVED

Mr. James Morse
Kentucky EPA
Division for Air Quality
803 Schenkel Lane
Frankfort KY 40601

AUG 30 2005

PERMIT REVIEW BRANCH
DIVISION FOR AIR QUALITY

Subject: EPA Air quality Permit for toxic chemical weapons (TCW) stored at Blue Grass Army Depot (BGAD)

References: Enclosures

Dear Mr. Welch

I am writing to you concerning the historical lack of (1) Due Process in the permitting procedures and (2) BGAD's willful neglect in failing to provide an Emergency Response Plan (ERP) or Emergency Response Plan (ERP) for its workforce.

1. Due Process not honored in regards to these permits.

a. We submitted a petition at the permit public hearing in January 2004, which was totally ignored even though members of your cabinet were present in the audience as well as Department of Army (DoA) officials. This time we will copy Fletcher, EPA, and the media in hopes of consideration as stakeholders, workers, and citizens. Bechtel Parsons (BP) sent us a drop dead letter stating that fears, concerns, questions and comments were not worthy of an answer. Why was BP allowed to host the hearing if they are not to be responsible? Money no doubt.

b. We submitted a petition of our concerns, question, and fears to a petition to Judge Clark's Madison County (MC) Emergency Operations Center (EOC) forum in February 2004. Same result - no response as has always been the case with regards to Chemical Stockpile Emergency Preparedness Program (CSEPP).

c. We asked Blue Grass Chemical Activity for names and addresses of CSEPP officials to present our inquiries. Their answer from PA person - "we do not know" nor did they make an effort to advise us.

d. Frequently in the past 7 years we asked for public information as the DoA is required to provide - answers were never forthcoming.
Questions included:

- >. Why does MC have an 8 hour evacuation time instead of a comprehensive CSEPP?
- >. Why do we not have maximum protection from a chemical disaster as prescribed by law?
- >. Where is our Shelter in Place, Over Pressurization, and Hoods?
- >. Is there a quality control plan for CSEPP?
- >. Why are we not allowed to vote on demilitarization methods as is our right?

e. In January 2000 at our persistence CAC sponsored a CSEPP forum. Public questions presented to the panel of DoA, FEMA, MC, and KY Disaster Group went un answered.

f. It is common knowledge that special interests groups both local and outside conspired to prohibit MC citizens from voting on their choice of demilitarization and thus insure that the ACWA approach was the only method and that is what this permit is all about

In conclusion we argue that willful and deliberate with holding of vital information by the permit applicant makes the Due Process null and void for a permit of TCW destruction or pilot plant.

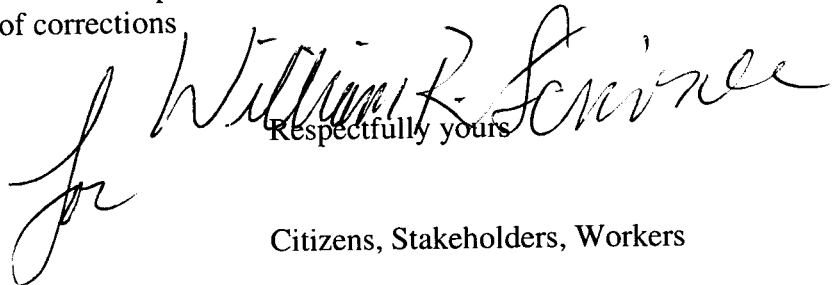
Uniformed citizenry obviously are denied a proper vehicle to participate in a public hearing and the hearing thus becomes merely a check off item by the authorities.

2. Deliberate and willful neglect in regards to DoD, DoA, BGAD & BGCA decades long failure to protect its workers from a chemical disaster in their work place.

The above owners have submitted a permit application that fails to meet EPA safety standards as well as OSHA's. BGAD environmental office, staff, and command has always been fully cognizant of this glaring safety defect.

It a similar situation with a private company, I expect that your cabinet and EPA would investigate and levy penalties for a false permit application.

It is our contention that Kentucky should never had accepted this application let alone issue a permit. We formally and publicly request that this permit be with held pending your review and investigation and the applicant's proof of corrections


Respectfully yours

Citizens, Stakeholders, Workers

Cc: Gov Fletcher
EPA
Media

U.S. Department of Labor
Occupational Safety and Health Administration
John C. Watts Federal Bldg
330 West Broadway - Room 108
Frankfort, KY 40601
Phone: (502)227-7024 FAX: (502)227-2348



Notice of Unsafe or Unhealthful Working Conditions

To:
Bluegrass Army Depot
2091 Kingston Highway
Richmond, KY 40475-5060

Inspection Number: 301412995
Inspection Date(s): 12/01/2004-12/02/2004
Issuance Date: 02/23/2005

Inspection Site:
2091 Kingston Highway
Richmond, KY 40475-5060

The violation(s) described in this Notice is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Notice of Unsafe or Unhealthful Working Conditions (Notice) describes violations of the Occupational Safety and Health Act of 1970, the Executive Order 12196, and 29 CFR 1960, Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters. You must abate the violations referred to in this Notice by the dates listed unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Notice you request an Informal Conference with the U.S. Department of Labor Area Office at the address shown above.

Posting - The law requires that a copy of this Notice be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Notice must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Notification of Corrective Action - You should notify the U.S. Department of Labor Area Office promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Notice. Please inform the Area Office in writing of the abatement steps you have taken and of their dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc.

Employer Discrimination Unlawful - The law prohibits discrimination by any person against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint with the U.S. Department of Labor Area Office at the address shown above.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director within 15 working days after receipt of this Notice. As soon as the time, date, and place of the informal conference have been determined please complete the enclosed "Notice to Employees" and post it where the Notice is posted. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the Notice. In addition, bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 301412995
Inspection Dates: 12/01/2004 - 12/02/2004
Issuance Date: 02/23/2005



Notice of Unsafe or Unhealthful Working Conditions

Company Name: Bluegrass Army Depot
Inspection Site: 2091 Kingston Highway, Richmond, KY 40475-0060

Citation 1 Item 1 Type of Violation: Serious

29 CFR 1910.120(q)(2)(ii): The emergency response plan did not address, to the extent not addressed elsewhere, the personnel roles, lines of authority, training and communication:

a.) The employer (Bluegrass Army Depot) did not adequately implement portions of the Emergency Response Plan (BGAD Disaster Control Plan, including all other related programs), pertaining to emergency response training for practice exercises/drills. No appreciable effort was made to conduct required training or exercises/drills for all employees on site. This condition exposed employees to possible injury, illness and death.

ABATEMENT VERIFICATION REQUIRED

Date By Which Violation Must be Abated: 04/11/2005

Citation 1 Item 2 Type of Violation: Serious

29 CFR 1910.38(b): The employer did not maintain a written emergency action plan that was kept in the work place and made available to employees for review.

a.) The employer (Bluegrass Army Depot) did not make their emergency action plan available to employees for review. Employees and managers did not know that any such plan existed. This condition exposed employees to possible injury, illness and death.

ABATEMENT VERIFICATION REQUIRED

Date By Which Violation Must be Abated: 04/11/2005

See pages 1 through 3 of this Notice for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 301412995
Inspection Dates: 12/01/2004 - 12/02/2004
Issuance Date: 02/23/2005



Notice of Unsafe or Unhealthful Working Conditions

Company Name: Bluegrass Army Depot
Inspection Site: 2091 Kingston Highway, Richmond, KY 40475-0060

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness.

Citation 1 Item 3a Type of Violation: **Serious**

29 CFR 1910.38(c)(2): The employer did not develop procedures in the emergency evacuation plan that included the type of evacuation and exit route assignments.

a.) The employer (Bluegrass Army Depot) did not develop or implement portions of the emergency evacuation plan that designated evacuation routes or types of exit route assignments for their employees, exposing them to possible injury, illness or death.

ABATEMENT VERIFICATION REQUIRED

Date By Which Violation Must be Abated: 04/11/2005

Citation 1 Item 3b Type of Violation: **Serious**

29 CFR 1910.38(c)(4): The employer did not develop procedures in the emergency action plan to account for all employees after an evacuation.

a.) The employer (Bluegrass Army Depot) did not have a working procedure that would account for all employees after an emergency drill/evacuation. This condition exposed employees to possible injury, illness and death.

ABATEMENT VERIFICATION REQUIRED

Date By Which Violation Must be Abated: 04/11/2005

See pages 1 through 3 of this Notice for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 301412995
Inspection Dates: 12/01/2004 - 12/02/2004
Issuance Date: 02/23/2005



Notice of Unsafe or Unhealthful Working Conditions

Company Name: Bluegrass Army Depot
Inspection Site: 2091 Kingston Highway, Richmond, KY 40475-0060

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness.

Citation 1 Item 4a Type of Violation: **Serious**

29 CFR 1910.38(f)(1): The employer did not review the emergency action plan with employees upon development of the plan or with new employees when they were initially assigned to a job.

a.) The employer (Bluegrass Army Depot) did not ensure that employees were given a review of the emergency action plan upon their initial employment. This condition exposed employees to possible injury, illness and death.

ABATEMENT VERIFICATION REQUIRED

Date By Which Violation Must be Abated: 04/11/2005

Citation 1 Item 4b Type of Violation: **Serious**

29 CFR 1910.38(f)(2) The employer did not review the emergency evacuation plan with employees whose responsibilities under the plan had changed.

a.) The employer (Bluegrass Army Depot) did not review the emergency evacuation plan with employees whose positions or jobs had changed on site that would effect their responsibilities in the over all plan management and implementation in the event of an emergency or preparedness exercise/drill. This condition exposed employees to possible injury, illness and death.

ABATEMENT VERIFICATION REQUIRED

Date By Which Violation Must be Abated: 04/11/2005

See pages 1 through 3 of this Notice for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 301412995
Inspection Dates: 12/01/2004 - 12/02/2004
Issuance Date: 02/23/2005



Notice of Unsafe or Unhealthful Working Conditions

Company Name: Bluegrass Army Depot
Inspection Site: 2091 Kingston Highway, Richmond, KY 40475-0060

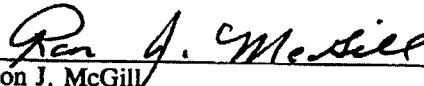
Citation 1 Item 4c Type of Violation: Serious

29 CFR 1910.38.(f)(3) The employer did not review the emergency action plan with employees when changes were made to the plan.

a.) The employer (Bluegrass Army Depot) made changes to the emergency action plan and failed to review the plan with employees. This condition exposed employees to possible injury, illness and death.

ABATEMENT VERIFICATION REQUIRED

Date By Which Violation Must be Abated: 04/11/2005



Ron J. McGill
Area Director

See pages 1 through 3 of this Notice for information on employer and employee rights and responsibilities.

FEBRUARY 05 2004

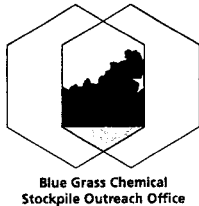
MADISON COUNTY EMA

CITIZENS QUESTIONS & COMMENTS

1. This overdue public meeting on emergency response in regards to chemical emergency disasters is certainly a step in the right direction and the current administration deserves credit from us.
2. The questions as well the minutes of this meeting need to be made public not just mailed to the inquisitors.
3. Why did it take so long, when CSEPP questions have been asked public ally for many years without quality answers? With holding of CSEPP public information has been a major deficiency of the program? Citizens can not react responsibly and intelligently about their safety issues without such knowledge.
4. Why do other chemical storage sites have better preparation-hoods, first responder funding, road construction, and more schools and hospital over-pressurized?
Through the freedom of information we request all of the details about this from all levels of CSEPP and its partners the DoA / FEMA and that it make public in our libraries and schools. If you are not going to supply protective hoods, put out the information so that the public can purchase their own.
5. Why have the CSEPP IPT meetings minutes not been made public? Why does it meet during normal working hours that excludes most of us from attending.
Through the freedom of information act we request all of the details about this issue and that it be made public in county libraries and schools.
6. What plans, if any, do you have for citizens input such as a CSEPP oversight council.
7. Is there a quid pro quo where by CSEPP will not cannel adequate funding to our community until KRS 224 was revised and the permit process is under way? Comparing us to Anniston that seems to be the case
8. How does your CSEPP tie in with the weak requirements of KRS 224.50-130 (3) (c)
9. Define maximum protection part of CSEPP? We view it as the equal of the best at other sites. As with all of CSEPP issues.
10. When will maximum protection be in place and demonstrated as to its worthiness?
11. Who will decide if maximum protection is in fact completed?

12. Will you or Judge Clark inform the state permit department that max protection is ready?
13. Will there be public meetings to review the decisions made on our community's maximum protection before the state is informed for the permit? We fully expect so.
14. Under the freedom of information act we request the complete CSEPP chain of command including generals and under secretaries of DoA / FEMA. BGCA has not done so two weeks after our request.
15. What is the latest DoA / FEMA MOU?
16. Has Homeland Security provided the county any CSEPP funding from their huge budget?
17. How is CSEPP funding decided in general and relative to each chemical storage site? Under freedom of information we request all CSEPP funding documents and that they be made public in county libraries and schools.
18. When the county only CSEPP response was a ridiculous 7-1/2 hour evacuation, why was that and its potential for disaster not made public? Was not CSEPP required to evaluate this? Did CSEPP do so?
Under freedom of information act we request the files from that period and that it be made public county libraries and schools.
19. We request a CSEPP public forum with County Judge, FEMA / DoA, OSHA, and KY departments for the purpose of discussing all facets of CSEPP and establishing accountability and that such a forum be scheduled periodically.
20. If a disaster were to occur as depicted in USN&WR, Sep 13 1993, it would be well to be a lawyer because finding responsibility will be a piece of cake.

Concerned Citizens for CSEPP Compliance
and
Citizens CSEPP Oversight Council
PO Box 158
Richmond KY 40475



Blue Grass Chemical Stockpile Outreach Office
301 Highland Park Drive
Richmond, KY 40475
859-626-8944
outreach@bechtel.com

24915-000-TOR-GGPO-00002-3

March 18, 2004

Mr. William Scrivner
P.O. Box 5108
Richmond, KY 40475

Subject: Response to Written Questions

Dear Mr. Scrivner:

This is in response to written questions you provided during the Pre-RCRA application public meeting held on January 22. Your questions related to concerns regarding on-post and off-post emergency preparedness.

As your questions fall under the purview of the Blue Grass Army Depot and Blue Grass Chemical Activity, as well as the Madison County Emergency Management Agency, we have referred them to these agencies for response. I am attaching a fact sheet that lists all of the program points of contact should you wish to follow up with these organizations directly.

Should you have any questions on the Blue Grass Chemical Agent-Destruction Pilot Plant, please do not hesitate to give me a call at 626-8944.

Sincerely,

A handwritten signature in black ink that reads "Sandra W. Plant".

Sandra W. Plant
Outreach Office Manager

Attachment

cc: Michael Bryant, Madison County Emergency Management Agency
Dave Easter, Blue Grass Army Depot
Richard Sloan, Blue Grass Chemical Activity

We the citizens and workers of Madison County present a petition questioning the DEMIL permitting process; because of our concerns about the continuing failure of agencies, local, state and federal to install maximum protection measures.

Maximum protection is an entitlement for our community from chemical emergency disasters by federal law. Especially alarming to us is their attitude in ignoring appeals to establish public information about CSEPP and not providing avenues for citizens to participate in safety issues.

Since our questions have gone unanswered for over five years, and actually been met with indifference, hostility, and ignorance, we will also send the petition to others in an effort to obtain answers.

Attached is a list of questions that were submitted publicly to a CSEPP forum reluctantly attended by DoA and FEMA officials in January 2000. That was the first and last time that any CSEPP officials ever presented themselves in Madison County. However, public information as specified by law was not forthcoming as both the DoA and FEMA ignored the citizens concerns and issues.

Again we submit our issues, grievances, and fears to federal agencies and officials for redress and correction. This is timely as the rush to obtain a Kentucky permit has speeded up, but the related safety factors continue to lag.

It is a relatively easy matter to create credibility, just be proactive not cavalier; provide public information; seek citizen and worker input on safety; establish the first oversight councils for stakeholders; schedule and conduct regular CSEPP and chemical site safety meetings by DoA, FEMA, state and local officials.

Essentially, all that we have continually asked for is our due.

Without maximum protection, public information, or citizens input, all that we can depend on is the discretion

of the Kentucky state division that will issue the permit after approval of CSEPP as set forth in KRS 224.50-130. Unfortunately they do not direct compliance, only approval of the final product before issuing a permit; so we may be without adequate protection for yet many more years-an unconscionable situation.

If, responsible governments and their agencies, and representatives will not redress safety deficiencies the alternative is thru the courts.

Citizens and chemical storage site workers concerns and questions concerning the readiness to deal with a chemical Disaster emergency (CDE) response.

Does the Army have a contract with all of Madison County that public safety is number 1 regardless?

Is our community entitled to maximum protection (MP) from a chemical disaster emergency (CDE) under federal law? What is MP and why have we never heard it defined?

Does the chemical storage emergency preparedness plan (CSEPP) entail citizen input and public information?

Are the nearly 1,000 chemical storage site workers protected from CDE by OSHA, CSEPP and Kentucky statutes?

Of the aspects CSEPP, DEMIL, Permitting, ACWA, don't you think that CDE plan is the most important?

The answers are obviously "yes", so why have none of these vital safety protective measures not been fully implemented here?

Why is the permit in process when the agencies responsible for maximum protection are all cognizant of the deficiencies?

When will maximum protection measures be completed here?

Why has it gone unattended these many years by DoA and FEMA?

Is there a quid pro quo whereby max protection measures will be held up until a Kentucky DEMIL permit is issued?

Compare the more extensive protection available at Anniston and Umatilla where state permits are in effect, with regards to number of schools, universities, and hospitals over-pressurized (OP) and hoods issued to here in Madison County?

Does the technical literature make reference to the danger for a CDE while the TCW are being stored as greater than for a DEMIL operation?

If so, why then is MP not yet available here?

Do you plan to pursue a permit for a pilot plant even though long over due maximum protection is yet to be in place for citizens and workers?

Don't you think that the permit process should be halted until you bring MP to its entitlements?

Since you have failed to issue protective hoods neither to citizens in the chemical disaster danger zones nor to workers near ground zero, can you provide us with the source of the hoods so that we may purchase them for our families and for ourselves at the chemical storage work site?

The only CDE plan for site workers, vague as it is, relies upon evacuation. Does the DoA now advocate SIP? Does this disparity not pose unnecessary risks?

Were you aware that EOC manager of BGAD stated publicly that no funds are available for training of BGAD workers or for disaster exercises?

Why does not the CSI do a real evaluation of the chemical stockpile here and include a review of the site chemical disaster emergency plan?

Does CSEPP have even a minimal quality assurance (QA) plan as is certainly needed? Is QA in place to monitor the status of the alert radios, provide basic instructions for shelter-in-place especially for those requiring special assistance such as the elderly and handicapped?

Five to ten years ago the county EOC relied solely upon a ridiculous 7- ½ hour evacuation plan

Why did not CSEPP evaluate and make SIP and OP available?

Why did not CSEPP fund roads to facilitate evacuation?

Why was the citizenry not informed of such a glaring defect?

CSEPP IPT meets regularly and its discussions would alarm most of us. Why not make the present and past meeting minutes public as should be done? Why not meet during non-working hours so citizens can attend and ask questions?

Under the freedom of information we request this IPT information as well as information on the other issues brought forth above.

A child born here today will probably graduate from high school before the chemicals are destroyed.

Were you aware that the citizens of Madison County never got to vote by referendum on how to deal with TCW destruction? They did not get to choose between shipping the chemicals to an incineration already established, neutralization especially after 9-11, DEMIL as soon as possible using the best available technology, or wait an indefinite time for the perfect methodology.

We will submit more questions from time to time.

- >What are our maximum protection entitlements for a chemical weapons storage site and where can we read this?
- >What is a reasonable time for maximum protection completion, it has been +10 years now, we think it is seriously overdue?
- >What agencies have the various responsibilities? Is the ultimate responsibility DOA \ DOD?
- >Explain the several memorandums of understanding and why they are not completed?
- >Why has detailed public information been withheld? Is it not required by law?
- >When was the request for Madison collective protection budget received by FEMA \ DOA?
- >Why did not DOA \ FEMA force improvements and guidance from a 7-hour evacuation for chemical disaster emergency response. It is incredulous to expect a rural county to develop and implement CSEPP?
- > We expect a search and rescue as part of response, how will it work?
- >Discuss the past inaction and our state's request for assistance, Ky. letter to D. Fisher, May 22, 1998
- >Gridlock has been publicly attested to as a long-standing critical CSEPP obstacle, we expected you to offer plans and a platform to lead CSEPP. What will you do now?
- >When will ECU receive over-pressurization protection?
- >Why has Umatilla advanced so much further in their CSEPP?
- >They have 11 schools over-pressurized, compare & contrast Madison County to their program
- >Are the exercises evaluated on both ends of CSEPP - BGAD and Madison County EOC
- >What are results?
- >Why is it not published?
- >Collective protection has been practiced for years in private sector such as LEPC exemplified by Unocal video.
Why has it been delayed here. At least selected private homes could have received a \$2 video as they did expensive radios
- >Why not work with Red Cross or other volunteer groups such as the scouts, PTA, etc to educate home shelter in place, one group the CCCC volunteered?
- >>Much of the above deficiencies could have been avoided with public participation, education and information
- >>The government could have used CSEPP as a vehicle for community cooperation had it been managed properly.
- >>Many people feel that CSEPP is more important than DEMIL or Treaty.